



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1375

H.P. 996

House of Representatives, March 21, 2019

An Act To Prevent Law Enforcement Officers from Using Their Authority To Extract Sexual Favors

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREA of Fort Fairfield.
Cosponsored by Senator MIRAMANT of Knox, Senator MILLETT of Cumberland and
Representatives: ALLEY of Beals, DODGE of Belfast, FECTEAU of Augusta, MARTIN of
Sinclair, O'NEIL of Saco, Senator: CARPENTER of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §255-A, sub-§1, ¶¶W and X,** as enacted by PL 2011, c.
3 423, §6, are amended to read:

4 W. The actor is employed to provide care to a dependent person, who is not the
5 actor's spouse or domestic partner and who is unable to perform self-care because of
6 advanced age or physical or mental disease, disorder or defect. For the purposes of
7 this paragraph, "domestic partners" means 2 unmarried adults who are domiciled
8 together under a long-term arrangement that evidences a commitment to remain
9 responsible indefinitely for each other's welfare. Violation of this paragraph is a
10 Class D crime; ~~or~~

11 X. The actor is employed to provide care to a dependent person, who is not the
12 actor's spouse or domestic partner and who is unable to perform self-care because of
13 advanced age or physical or mental disease, disorder or defect and the sexual contact
14 includes penetration. For the purposes of this paragraph, "domestic partners" means
15 2 unmarried adults who are domiciled together under a long-term arrangement that
16 evidences a commitment to remain responsible indefinitely for each other's welfare.
17 Violation of this paragraph is a Class C crime; ~~;~~

18 **Sec. 2. 17-A MRSA §255-A, sub-§1, ¶¶ Y and Z** are enacted to read:

19 Y. The actor is a law enforcement officer and the other person, not the actor's spouse,
20 is under arrest, in custody, being interrogated or temporarily detained, including
21 during a traffic stop or questioning pursuant to an investigation of a crime, by the
22 actor. Violation of this paragraph is a Class D crime; or

23 Z. The actor is a law enforcement officer and the other person, not the actor's spouse,
24 is under arrest, in custody, being interrogated or temporarily detained, including
25 during a traffic stop or questioning pursuant to an investigation of a crime, by the
26 actor and the sexual contact includes penetration. Violation of this paragraph is a
27 Class C crime.

28 **SUMMARY**

29 This bill makes sexual contact between a law enforcement officer and a person who
30 is not the law enforcement officer's spouse while the person is under arrest, in custody,
31 being interrogated or temporarily detained, including during a traffic stop or questioning
32 pursuant to an investigation of a crime, by the law enforcement officer a Class D crime.
33 If the sexual contact involves penetration, the sexual contact is a Class C crime.